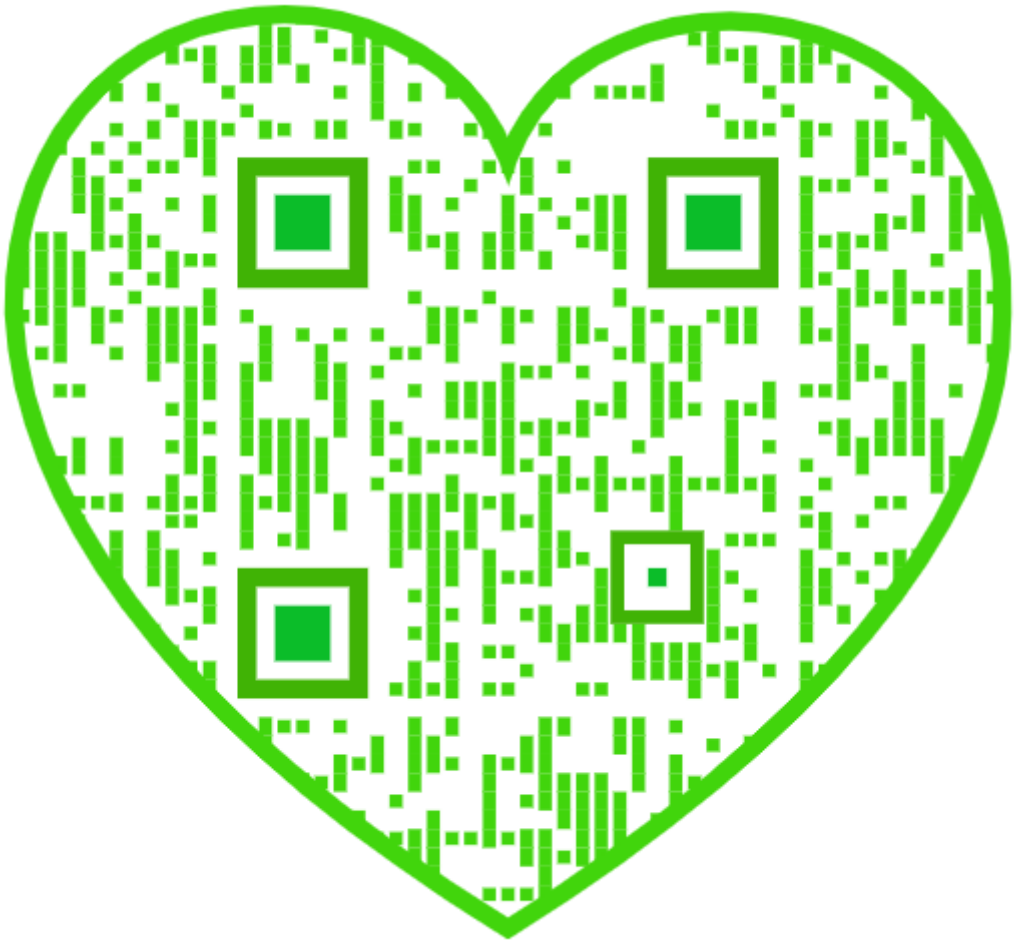

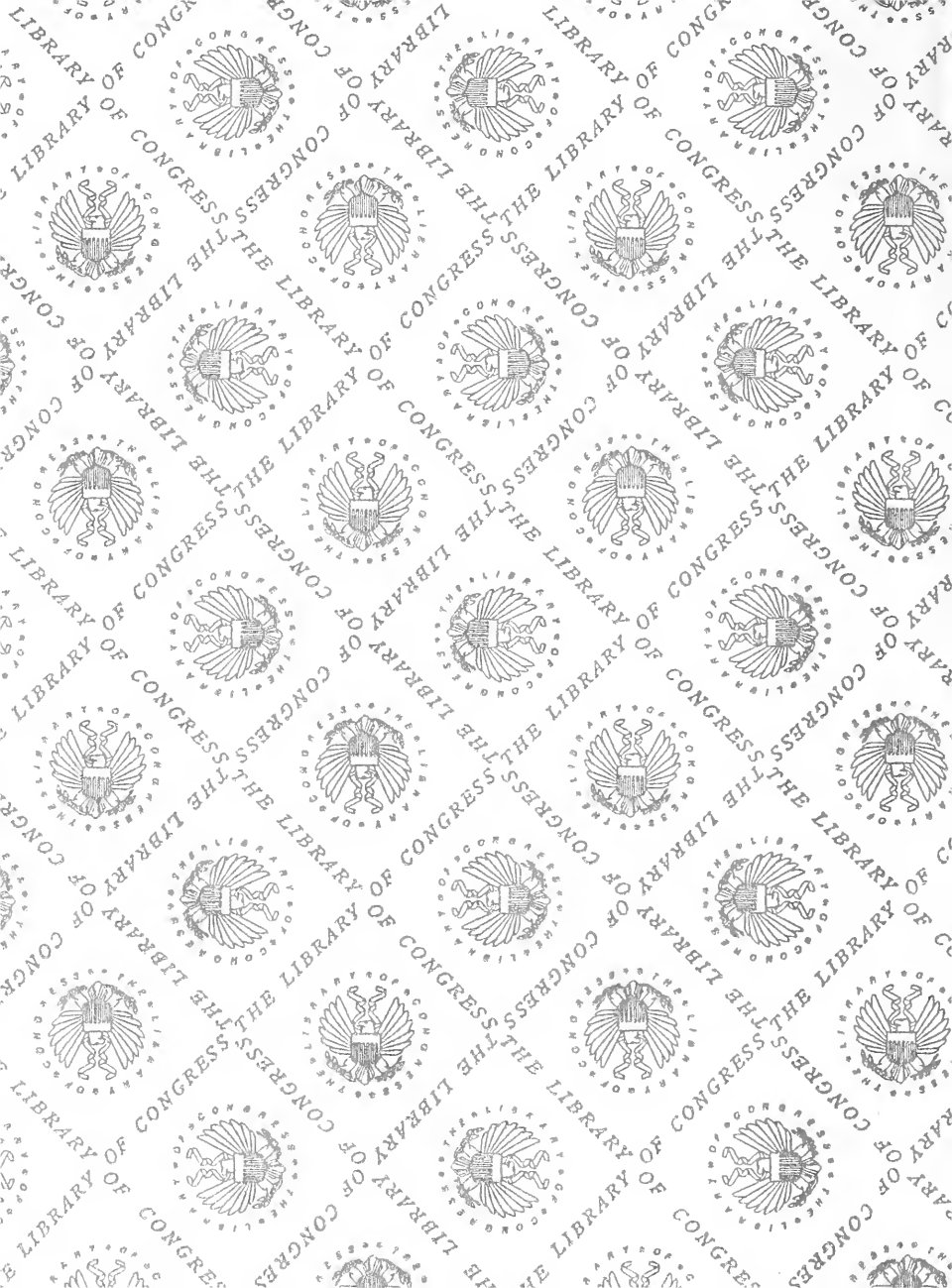
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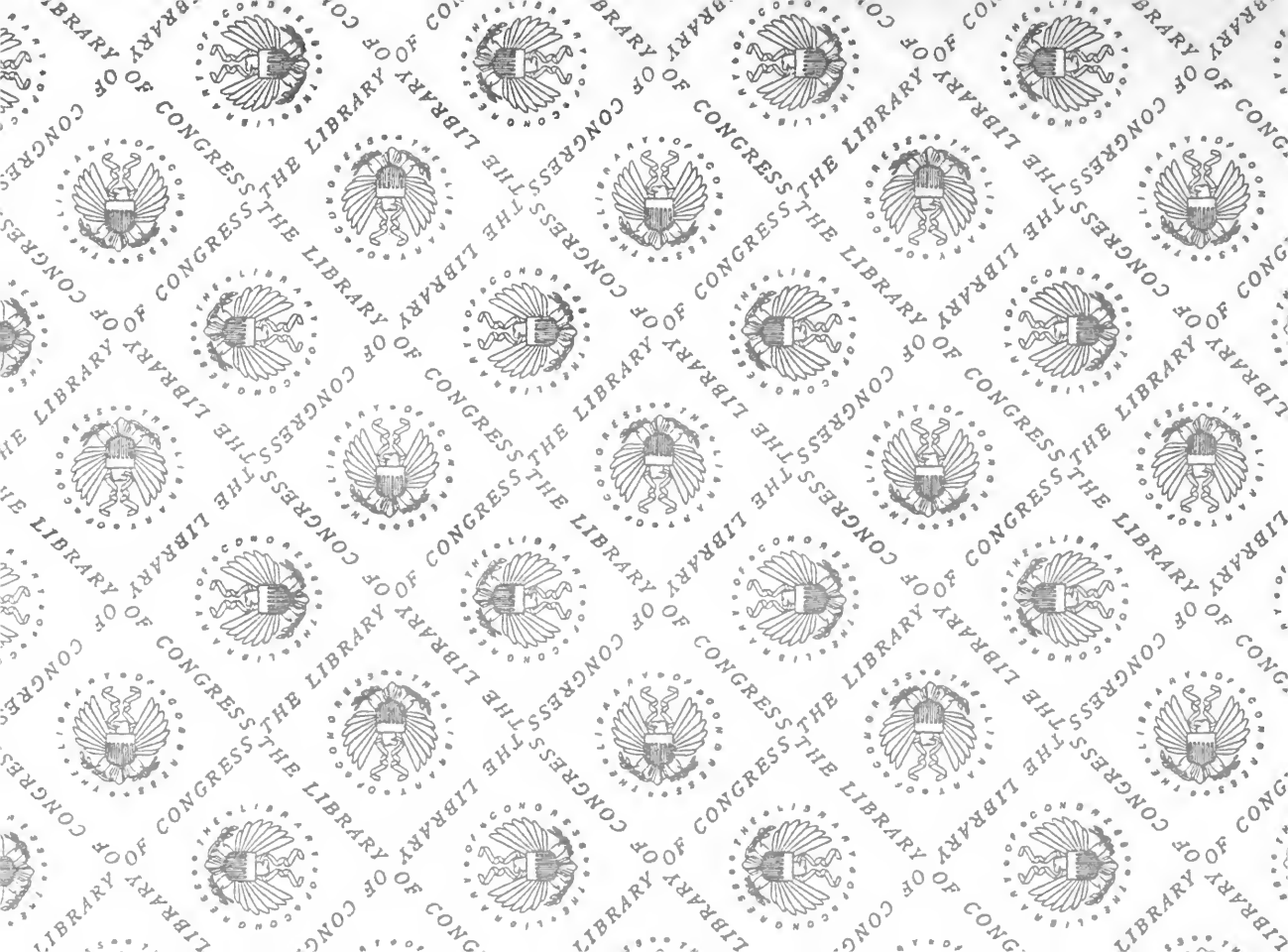
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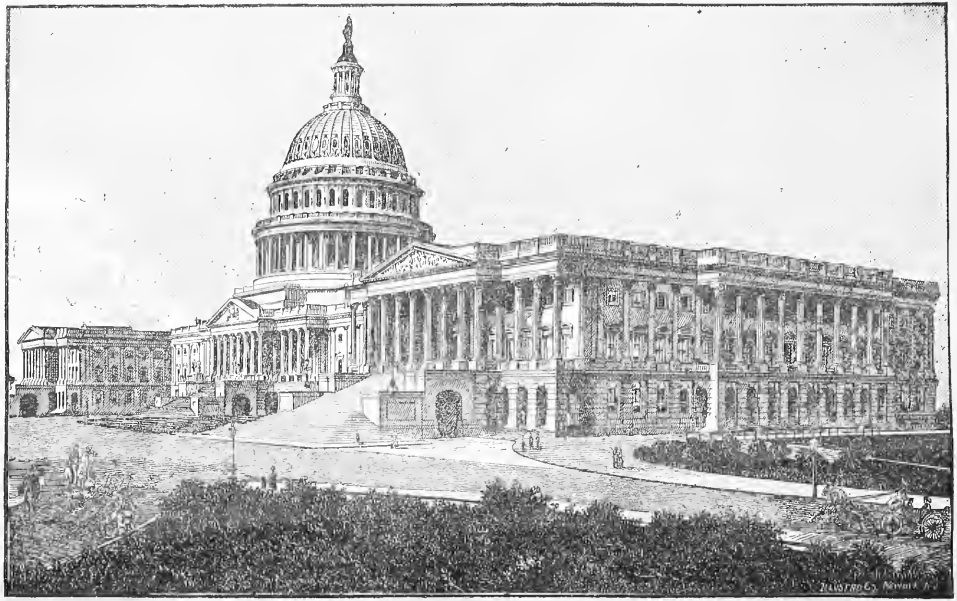

The Capitol at Washington.

CIVICS

FOR

YOUNG AMERICANS;

OR,

FIRST LESSONS IN GOVERNMENT.

CONTAINING A BRIEF DESCRIPTION OF THE DIFFERENT FORMS OF GOVERNMENT, AND A FULL AND CLEAR EXPLANATION OF THE IMPORTANT CLAUSES OF OUR CONSTITUTION.

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BY

WM. M. GIFFIN, A.M.

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TO

"Uncle Sam,"

and his nephews and nieces throughout the Union,

this little book is respectfully

DEDICATED

PREFACE.

In preparing this book the author has had primarily before him the fact that just such a book was wanted to throw light upon a common subject not generally or sufficiently treated in school courses of instruction. Besides there has been a paramount desire to present the subject in a form so simple and entertaining that the young reader may readily understand, and through this understanding, be led to further thought. A basis of interesting knowledge being established, further thought cannot fail to inculcate a love of our country and its laws.

The subject of Civil Government involves much that requires for its comprehension mature and extended thought. In view of this fact the author has kept in mind the capabilities of young intellects, and has endeavored to treat that subject so simply, in both the choice of words and the arrangement of thought, as to insure its easy comprehension by the youngest reader. Nevertheless, it is hoped that it will prove interesting to older thinkers who may find time to read it.

As an especial feature of this little book, the need of government and law is made apparent in a narrative that is calculated to arrest attention and provoke thought. Following this tale suggesting the need of government, the simple forms naturally arising in the framing of laws are presented and developed in a manner which will appeal naturally to a young reader's reason.

While no exhaustive or detailed explanation of foreign governments has been given, comparative conditions have been stated and suggestive differences have been noted, and the reasons for certain laws have been told, in a manner intended to show a relation between cause and effect.

In the subsequent chapters, the Constitution of the United States has been presented with sufficient explanation, it is thought, to make the various clauses significant in meaning to the reader.

With the hope that the book may perform its intended mission in teaching a knowledge of the principles of government, and through this, a higher regard for our country, the writer puts it into the hands of the future citizens of the United States.

W. M. G.

Newark, N. J.

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"One half of the time which is now almost wholly wasted in district schools, on English grammar attempted at too early an age, would be sufficient to teach our children to love the Republic and to become its loyal and life-long supporters."—James A. Garfield.

CIVICS FOR YOUNG AMERICANS.

CHAPTER I.

A STORY.

We once read a story of a young man by the name of Philip Brusque. It was written by Peter Parley. We wish that every one of our young American friends could read the story for himself. In this chapter we shall give a brief outline of a part of it, which will be the next best thing to the story itself.

Young Brusque was a Frenchman, who lived in France about the year 1789, or at the time of the French Revolution. If our young friends desire to have a very good idea of this Revolution, they should read the "Tale of Two Cities" by Charles Dickens.

At the time of the Revolution, France was a monarchy. Those of our readers who have studied geography will understand what kind of a government this is.

In 1789 the common people of France determined to overthrow the government. Thousands of persons were

executed by them. One of the most active of the people was young Brusque, who, with many others, thought that if the government could only be overthrown, he would be very happy. He thought that then he could do as he liked, without being restrained by any law, except the moral sense of man. He thought that laws were unfair, and that no man should be subject to them. In fact, Philip took such an active part that he soon found it unsafe for him to stay in Paris, and hence, with many others, he set sail for a foreign land. But alas! when but a few days out, a great storm arose and all on board were drowned, save Philip, who was washed ashore on a lone island, and what seemed to please him most of all was, that the island was without a single human inhabitant except himself.

Peter Parley says, that when Philip found himself alone on the island, he was delighted, and exclaimed: "Now I shall be happy. Here I can enjoy perfect liberty. Here is no prison like the Bastile; here is no king to make slaves of his fellow-men; here is no Robespierre to plot the murder of his fellow-citizens. O Liberty, how have I worshipped thee! and here on this lone island I have found thee. Here I can labor or rest, eat or drink, wake or sleep, as I please. Here is no one to control my actions or my thoughts. In my native country all the land belongs to a few persons; but here I can take as much land as I please. I can freely pick the

fruit from the trees, according to my choice or my wants. How different is my situation from what it was in France! There, everything belongs to somebody, and I was restrained from taking anything, unless I paid for it. Here, all is free, all is mine. Here, I can enjoy perfect liberty. In France, I was under the check and control of a thousand laws; here, there is no law but my own will. Here, I have indeed found perfect freedom."

Philip, you see, was quite happy. Thus he continued for about a year, when he began to feel very lonely. How he longed to see a human being once more! Each day found him on the top of a high hill looking wishfully out at sea for a sail. "One day while he was thus watching," says Peter Parley, "he began to talk as follows: 'Liberty is, indeed, a dear and beautiful thing; but still I want something beside liberty. I want to hear a human voice. I want to look into a human face. I want some one to speak to. I feel as if my very heart would wither for the want of a friend. I feel a thirst within, and I have no means of satisfying it. I feel within a voice speaking, and there is no answer. This beautiful island is becoming a desert to me, without even an echo. O dear France! O dear, dear home! How gladly would I give up this hollow and useless liberty for the pleasure of friendship and society! I would be willing to be restrained by the thousand meshes of the law, if I might once more enjoy the pleasure of living in the midst of my fellow-men.'"

Ah, my young friends, what a change had come over Philip in one short year! Short to us, but alas! how long, how very long, it had been to him. One day, on going to the top of the hill, Philip thought he saw something moving. It was about a mile from where he was standing, and looking sharply, he found that it was a human being. O, how his heart jumped for joy! He set off like a wild deer toward the stranger. When near enough, he saw it was a man. He ran right up to him with open arms. The man's name was Jacques Piquet. He was a fisherman from Mauritius. He had been out fishing, and the wind had blown him so far out to sea, that he could not get back to land. When he was about to give up all hopes, his small boat was dashed to pieces, and Jacques, being a good swimmer, saved his life by swimming to the island, which happened to be the one on which Philip was living.

How happy Philip was! He put his arms around the fisherman and kissed him again and again. He took the stranger and led him to his cave. Next he gathered some fresh pineapples and other fruit, and when he saw the fisherman eating them he clapped his hands in joy. Philip also ran to get Jacques some fresh water to drink. This was all very strange for Philip to do, as he was a proud fellow, and had he been compelled to serve the fisherman he would have hated and resisted the work; but because he was doing it of his own free will and accord he found pleasure in it. Philip continued to wait

on the fisherman for some little time. At last, however, there came a new order of things, and the fisherman began to order Philip to do this and that for him. This made Brusque very angry, and he told the fisherman he might wait on himself.

This, in turn, made Jacques angry, and soon from words they came to blows. Brusque, being the stronger of the two, dealt Jacques a blow on the head which felled him to the ground, where he lay without motion, seeming actually to be dead.

CHAPTER II.

THE STORY CONTINUED.

No sooner did Philip see the condition of the fisherman, than he thought to himself: "What a strange creature I am! A few weeks since I was mad with joy at the arrival of this man; soon he became the tyrant of my life. I then wished him dead. I forgot that he had rights as well as myself. In taking his life I did a great wrong to justice, to liberty, and to myself."

While Brusque was thinking these thoughts, the fisherman moved and showed signs of returning life. Philip was again full of joy, and, fetching some water, sprinkled it over the man's face. He soon recovered, and Philip led him to the cave, where, lying down, he went to sleep. Again Philip fell to thinking.

"Jacques is alive again, and I am relieved of a load. When I was alone I was perfectly free, but I soon found that freedom without society was a sad condition of things. I therefore yearned for society, and I had it. But it soon became a torment to me. What, then, is the difficulty? I believe it is the want of some rules, by which we may regulate our conduct. Though there are

but two of us, still we find it necessary to enter into a compact. We must form a government; we must submit to laws, rules, and regulations. We must each submit to the abridgment of some portion of our liberty — some portion of our privileges — in order to secure the rest."

Philip now returned to the cave, where he found the fisherman much better. Philip spoke to him of the necessity of laying down certain rules, by which the essential rights of each should be preserved and a state of harmony insured. To this Jacques agreed, and the following code of laws being drawn up by Philip, they were passed unanimously: —

"Be it ordained by Philip Brusque, late of France, and Jacques Piquet, of Mauritius, to insure harmony, establish justice, and promote the good of all parties: —

"1. This island shall be called Fredonia.

"2. Liberty being a great good in itself, and the right of every human being, it shall only be abridged so far as the good of society may require. But as all laws restrain liberty, we, the people of Fredonia, submit to the following: —

"3. The cave, called the Castaway's Home, lately occupied by Philip Brusque, shall be alternately occupied for a day and night by said Philip Brusque and Jacques Piquet, the former beginning this day, and the latter taking it the next day, and so forth.

"4. Each person shall have a right to build himself a house, and shall have exclusive possession of the same.

"5. If two persons wish the same fruit at the same time, they shall draw lots for the first choice, if they cannot agree otherwise as to the division.

"6. If any difference arises between the two parties, Philip Brusque and Jacques Piquet, they shall decide such questions by lot.

"7. This code of laws shall be changed, or modified, or added to, only by the consent of the parties, Philip Brusque and Jacques Piquet.

"All which is done this 27th day of June, A.D. 18—."

This was neatly cut with a penknife on a board which had come ashore from the wreck of Philip's vessel, and it became the statute law of the island of Fredonia.

From this story of Philip we learn that absolute liberty cannot be enjoyed except by an individual in solitude, where he has no intercourse with his fellow-men. From it we also learn that even supposing there are but two persons living together, some rules, or laws, by which they may regulate their conduct, become necessary. The truth is, my young friends, people cannot live together in society without government. As shown to us in this story by Peter Parley, even two persons on an island find that, to prevent quarrelling, they must define their mutual rights and privileges; or, in short, *they must*

enact laws, and, as a matter of course, these laws are restraints upon natural or absolute liberty.

Thus it is that we are to-day living in a country governed by laws. And the best of all is, that our laws, like those of Philip and the fisherman, are our own; that is, they are made by us, and the purpose of this little book is to show you why in this respect, our country is one of the grandest, if not the very best, in the world.

Many years ago our forefathers lived in a country very much like the one from which Philip came. It differed in some things. We shall have more to say of this, however, in another chapter.

CHAPTER III.

SOME FACTS FROM HISTORY.

You have read the history of our country from its discovery by Columbus to the present time. Is it not surprising how much the lives of our forefathers resembled that of Philip Brusque? They lived in England, under rulers who were haughty and arbitrary men, just as Philip had in France.

They also, like Philip, longed for liberty and a better home; though, unlike Philip, they were true to their country, and instead of trying to overthrow the government, they simply asked to be allowed to go from it and live by themselves. This they did, and, as you know, they came to the New World. How they suffered!

You remember the Starving Time in Virginia, the Indian War, and Bacon's Rebellion. You remember King Philip's War in Massachusetts, and Clayborn's Rebellion in Maryland.

You remember the Pequod War in Connecticut, the trouble with the Spaniards in Georgia, and the wars of King William, Queen Anne, and King George; and finally, the greatest of them all, the French and Indian War.

When the French and Indian War began, none were as ready to help the English king as those who were living in the New World, many of whom had left England because they had been so badly treated there. All through the nine long years of the war they fought bravely and well. At the close of the war, although "England reaped all the glory, and the colonies had borne the brunt of the conflict, none were more ready and willing than they to help pay the debts which the war had contracted."

How were the colonies repaid for all this loyalty? You remember that before the French and Indian War some of the colonies had been assailed in their personal liberty and political rights. Dishonest governors had been sent over here by the king and had plundered them, while tyrannical governors had, time after time, grossly abused and oppressed them.

All this might have been forgotten after the French and Indian War, had it not been for the money-loving king, who acted as if the colonies existed only for the purpose of helping him and the people in England to make money. When, however, the king saw how nicely the colonies were prospering, he, instead of giving them a helping hand, did everything he could to injure them.

You remember the Navigation Act, the Acts of Trade, the Restricting Laws, the Writs of Assistance, the Stamp Act, the Mutiny Act, the Boston Massacre, and

the Tax on Tea. These alone were enough to make the colonies feel anything but friendly toward England.

But King George III. was guilty of many more unjust acts. For example, he would not allow a man to cut down a tree on his own land without first asking permission. He would appoint a man a judge, and then, if he did not decide all cases in favor of the king, the king would not pay him his salary. He appointed a multitude of officers who were not at all necessary, and then obliged the colonies to pay them large salaries. He kept a large number of soldiers here in times of peace when there was no good reason for it. The soldiers had to be paid by the colonies. These soldiers oftentimes were guilty of murders for which they went unpunished. Innocent men were arrested for pretended offences, because they stood in the king's way. They were taken to foreign countries to be tried for the pretended offences. The king, in fact, "plundered our seas, ravaged our coasts, burned our towns, and destroyed the lives of our people."

This was a very bad return for what the colonies had done for him. And, notwithstanding it all, the colonies were still loyal to him. They in fact, petitioned for redress in the most humble terms. The petitions were answered only by repeated injury.

There was only one thing left to do, which was to

declare themselves free and independent of England and her king, and this was done on the fourth day of July, one thousand seven hundred and seventy-six; but not till seven years after this did England acknowledge the independence of the colonies.

CHAPTER IV.

THE KINDS OF GOVERNMENT.

As soon as our forefathers had declared themselves independent of Great Britain, they knew they must form a government; for, being wise men, they knew they could not long exist without a government of some kind. At that time, as well as at the present, there were three distinct kinds of government. These were monarchies, aristocracies, and republics.

Let us now learn something of these different kinds of governments, that we may have a better idea of them. We are sure all of our readers will be glad they live in the United States when they know more of its government and the governments of some other countries of which we shall learn.

A MONARCHY is a government by a single person. This person has different titles in different countries. If the country is an empire, the ruler is called an Emperor, Czar, or Sultan. If it is a kingdom, he or she is called a King or Queen. If it is a principality, he is called a Prince. If it is a duchy, he is called a Duke.

There are two kinds of monarchies. They are absolute and limited.

An Absolute Monarchy is one in which all the power is in the hands of one man. This is very good if that man is one to be trusted. But if he is not a good man, and hence cannot be trusted, then it is terrible.

When reading history, we learn of many different absolute monarchies. One, for instance, is Russia, which is one of the most powerful monarchies in the world. One of the Russian emperors, or Czars, was named Ivan IV., who was the Czar of Russia for about fifty years. You will learn what kind of a man Ivan was from the following: —

A number of noblemen were one day talking, when one of them said: "The grand prince" (meaning Ivan) "decides all questions alone, shut up in his chamber." Ivan, hearing he had said this, ordered that he be taken to prison, there to have his head cut off. Ivan had a very quick temper, and all of his subjects approached him in fear. One day he became angry at one of his courtiers, and without any pity, he ordered that the courtier be torn to death by savage dogs. But then he could do as he liked, for he was an absolute monarch, and hence went unpunished for his acts. Nor did he stop here. In fact, he did so many terrible deeds that he was called *Ivan the Terrible.* He one time went to a city where there were many people who disliked his cruel ways, and who were not

afraid to say so, and had *sixty thousand* men, besides many women and children, killed.

Just think, my young friends, of being obliged to live in a country that had a form of government which allowed such a wretch to be its ruler.

When reading history we also learn of good monarchs who tried to do what was right; still they were all apt to look out for themselves rather than for others, which does not agree with Sir Walter Scott's idea of a true man, for he says, "The man whom I call deserving the name is one whose thoughts and exertions are for others rather than himself." Another well-known writer has said: "The absolute monarch is generally a tyrant. Men are too imperfect to be trusted with absolute power."

A LIMITED MONARCHY is one in which the power of the monarch is limited by the constitution and the laws of the country, which say that the ruler must share his power with a class of nobles, or a body of men who are elected for that purpose.

One of the most powerful limited monarchies is England. England at one time was an absolute monarchy, and we can form something of an idea of its early kings when we read of one of them, who was known as King John, and it is said, threw into prison a wealthy Jew because he refused to give the king an enormous sum of money. While the Jew was in prison, the king ordered one of his teeth pulled out each day, until he paid

the required amount of money. King John's treatment of the poor old Jew, however, was one of the least of his wicked acts. When John became king, there was another who had the best claim to the throne. This was John's pretty little nephew, Arthur; but John seized the treasure, and the little prince was locked up in a large castle. While the prince was here, the king sent two ruffians to burn the little fellow's eyes out with red-hot irons. The warden of the castle, Hubert de Bourg, to his praise be it remembered, sent the savages away. This made the king very angry, and after this he sent another ruffian to kill the poor little prince. Hubert sent back word to the king that he would do it for him. John knew he would not do so, and had Arthur taken to another castle. One dark night the little prince was aroused from his sleep and told to follow his jailer down stairs. When at the foot of the stairs, he was drawn into a boat, where he saw his uncle, King John, and another man. The little fellow knelt to them and begged them not to murder him. To this they paid no attention, but stabbed him, and sunk his body in the river with heavy stones.

England still has a queen; but there are also two bodies of men, or two houses, as they are called, with which she shares her power. These houses are called the House of Lords and the House of Commons.

Long after England claimed to have a limited monarchy, however, the kings had, or at least assumed, great

power. We read that during the reign of King Henry VIII. (Bluff King Hal) many people were executed because they would not bow to the king's will. It was during his reign that an old man, Wolsey by name, who had been a lifelong friend of Henry VIII., received a death sentence because he would not do a dishonest act for the king. It is said his last words were to one Cromwell, and were as follows: "Had I but served God as diligently as I have served the king, he would not have given me over in my gray hairs. Howbeit, this is my just reward for my pains and diligence, not regarding my service to God, but only my duty to my prince." He was not executed, as he died broken-hearted on his way to prison. Do you not think Wolsey was treated by Henry VIII. very much as our forefathers were treated by George III.? Henry VIII. had six wives. One of them he became tired of, and, on some slight excuse, he had her executed, and the very next day he married another woman. Hence you see that the king of this limited monarchy was not much, if any, better than Ivan, the absolute monarch.

After Henry VIII. came Edward VI., and after him came Queen Mary. Mary tried to change many of the laws which King Henry VIII. had made, and in trying to force them upon the people she had three hundred persons burned to death, because they did not like her new laws.

After Mary came Elizabeth. During the reign of "Good Queen Bess," as she was sometimes called, England improved very much, for Elizabeth was a queen of great power and merit. She re-organized a church, and said there must be no other kind; and if any one was found attending any other church, he was executed. So you see, though she was called a good queen, she had some very bad faults. If you would like to learn more of the kings and queens of England, read Charles Dickens' Child's History of England. Some of them have been noble men and women, one of the best being Queen Victoria, who is now (1888) queen, and is much beloved at home and abroad.

An Aristocracy is a government in which the power is placed in the hands of the nobles or aristocrats. All historians agree that an aristocracy is the poorest form of government a country can have.

A Republic is that form of government in which the supreme power is vested in the people, or delegated to representatives elected by the people.

A republic binds men together by strong ties of fellowship, as in a bond of affection and brotherly love. It is the grandest of all forms of government.

Some three hundred years ago the colony of Plymouth was a republic, and at that time the people *all* met to make the laws. There were so few people then that they could do this. Now, however, there is no building, nor

city for that matter, which is large enough to hold all the people; so the people send men to act for them, who are called representatives, because they represent the people. These representatives, as you know, meet in the city of Washington to make the laws. We will learn more of them.

CHAPTER V.

THE ARTICLES OF CONFEDERATION.

On the same day (June 11, 1776) that the committee was appointed to prepare the Declaration of Independence, there was another committee appointed to prepare some rules or laws for the colonies which were about to become independent. This committee met and drew up a set of laws which they called "*Articles of Confederation and Perpetual Union between the States*," meaning the thirteen original states of our country of which you have learned in your histories.

During the Revolution the Articles answered very well, as the attention of all the states was directed toward the defeat of the English soldiers. At the close of the war, however, it was found that the country had no real government. As a well-known writer has said, "There were thirteen separate and independent states, each free to do as it pleased. Each state claimed for itself the right to coin money, lay duties on foreign goods, to levy taxes, and to raise and equip its own army. There was a loose kind of union between them, which did not amount to a good general government, because it had few of the

powers belonging to a government. Congress could not enforce tax laws, nor coin money, nor do anything except advise the states; and the states could take the advice or neglect it, just as they pleased.

"The weak states were afraid of the strong ones, and the strong ones were jealous of each other. Each state made laws for itself, and these laws sometimes stood in the way of trade between different parts of the country. The states were in a fair way to quarrel among themselves, and even to get into wars with one another, which would have been worse for them than any foreign war could have been."[1] In fact, the states were very much in the same condition as the seven sons of an old gentleman, who were always quarrelling. They left their studies and work to quarrel among themselves. Some bad men were looking forward to the death of the old gentleman, who was very wealthy, to cheat the sons out of their property by making them quarrel about it. The good old man one day called his sons around him. He laid before them seven sticks which were bound together. He said, "I will pay one hundred dollars to the one who can break this bundle." Each one strained every nerve to break it. After a long but vain trial they all said that it could not be done. "And yet, my boys," said the father, "nothing is easier to do." He then untied the bundle and broke the sticks, one by one, with perfect ease.

[1] Barnes' Primary History.

"Oh!" said his sons, "it is easy enough to do it so; anybody could do it in that way."

Their father replied: "As it is with these sticks, so it is with you, my sons. So long as you hold fast together and aid each other, you will prosper, and none can injure you. But if the bond of union be broken, it will happen to you just as it has to these sticks which lie here broken on the ground."

Our forefathers, like the good old man in the story, saw that only in union could there be strength. The war had left a very large public debt to be paid, and there was no money with which to pay it. The trade of the country was broken up, and the people were very poor. Congress, as the head of the government was called, might make treaties with foreign nations, but it could not compel the states to abide by them; and, of course, foreign countries would not make treaties under such circumstances.

At this time Washington wrote, "The Confederation seems to me to be little more than a shadow without the substance." At another time he said, "It is a subject of regret that so much blood and treasure have been lavished for no purpose; that so many sufferings have been encountered without compensation; and that so many sacrifices have been made in vain."

Many other prominent men were active in preparing the public mind for a change; among the most active

were James Madison, who was called the father of the Constitution, and Alexander Hamilton. Finally their labor was rewarded, and the public was ready for a change. A convention was called, and the following gentlemen, Messrs. Randolph, Madison, Jones, Tucker, and Lewis, were appointed commissioners to meet other commissioners for the purpose of forming a new government. This meeting was the means of our having our present form of government, and it was by these commissioners and the others who met with them that our present Constitution was written; a Constitution about which James Wilson, who was one of the signers of the Declaration of Independence, wrote the following: "Regarding it in every point of view with a candid and disinterested mind, I am bold to assert that it is the BEST FORM OF GOVERNMENT WHICH HAS EVER BEEN OFFERED TO THE WORLD."

Are you not proud, my young American friends, that it is your country and your government about which such good things can be written? We hope to show you, in the remaining chapters, how true Mr. Wilson's words are.

CHAPTER VI.

THE CONSTITUTION.

A CONSTITUTION is the highest law of a country. It is that which tells the form of the government, and also tells just what power each part of the government has. Hence it is important that every American should have a knowledge of our Constitution.

The people who made our Constitution began it as follows: —

> "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America."

This is called the Preamble to the Constitution, because it introduces or begins it, and tells its object. You will notice that this preamble is *something* like that written by Philip Brusque for himself and the fisherman.

Our forefathers, at the suggestion of Thomas Jefferson,

very wisely divided the government into three departments, called the LEGISLATIVE, the EXECUTIVE, and the JUDICIAL. We shall hereafter see why it was best so to divide it.

THE LEGISLATIVE is the department that makes the laws, and is called Congress.

In the city of Washington, which is the capital of the United States, there is a very beautiful building, called the capitol, in which Congress holds its meetings.

Congress is composed of two bodies of men, called houses. One of these houses is called the *Senate*, and the other is called the *House of Representatives*.

THE JUDICIAL department interprets or tells the meaning of the laws, and then applies them.

In an absolute monarchy the same person makes the laws, and also interprets them, or tells their meaning. If, then, the monarch makes a law, and afterwards has it brought before him in a way which he did not expect, he can say, "Oh, it does not mean that, but means thus and so."

You can understand this better, perhaps, if I tell you a story. An Irishman once opened a barber shop, and hung up a sign which read: "What do you think, Paddy Magee will shave you for nothing and give you a drink." When Paddy had any customer he would tell him that the sign meant as follows: "W-h-a-t! do you think Paddy Magee will shave you for *nothing* and give you a

drink?" When read this way there was no doubt that Paddy expected full pay for his work.

Paddy's sign was like many of the laws made by an absolute monarch. It could be changed to suit the occasion. But when one department makes the laws, and another department interprets them, everything must be so plain as to have but one meaning. Hence you see what a good thing it is to have the two departments. The legislative department has to make the laws so plain that not only its members will know what they mean, but also that there will be no doubt in the minds of the members of the judicial department as to their meaning. Therefore all laws have to be made with great care.

THE EXECUTIVE is the department that executes the laws. The President of the United States is the executive. We will learn more of his powers in another chapter.

CHAPTER VII.

THE HOUSE OF REPRESENTATIVES.

THE Constitution says,—

"The House of Representatives shall be composed of members chosen every second year by the people of the several states."

At the time the Constitution was written there were some of the members of the committee who wanted the representatives elected for five years. There were others who thought one year should be the time. All were anxious to do what was right; so, like sensible men, each gave up a little to the other and, therefore, to please both sides, it was fixed at two years.

It was wise to make it two years, for now a representative is not elected for so long a time as to make him careless and too independent, nor is he apt to abuse his power. If, at the end of two years, he has shown by his actions that he is not fit to represent the people, some one else can be elected to take his place. While, if he has been just the right man in the right place, the people can

re-elect him for another term. You see a man has this re-election to look forward to, and, knowing that as a rule the men who work the hardest for the country's good are the ones preferred for re-election, he will try to do his very best for the good of the country.

In England they have what is called the House of Commons, which many people think is like our House of Representatives. President Lincoln is said to have asked the following question of some gentlemen: "Gentlemen, if we were to call a sheep's tail a leg, how many legs would the sheep then have?" "Why," said they, "five legs, of course." "Not so, gentlemen," answered Mr. Lincoln. "Why not?" asked they. "Because, gentlemen, calling a sheep's tail a leg *does not make it one.*"

And so, calling the House of Commons like our House of Representatives does not make it so. We will notice some things in which they differ. The members of the English House are elected for seven years, but they seldom serve that length of time.

If the king does not like the laws which the House of Commons makes, he can dissolve the House; that is, in plain words, turn the members out, and order a new election. So, you see, when a member is elected he cannot always do as he may think the people would like to have him, unless it is also something the king likes. Hence the members of the English House are obliged to do, not

as they think best, but as they think the king may wish them to do.

How different from our House, where every member can do as he thinks best, and, knowing that good laws will always please the best and largest number of men, he, as a rule, tries to do what is best for the country.

The Constitution also says, —

"No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen."

Our forefathers very wisely thought that a man should be at least twenty-five years old before he could be elected to so important a trust. By the time a man is twenty-five years old he has formed his character and is old enough to have good judgment.

In the House of Commons, however, many of the members are only twenty-one years old, — mere boys, — to make the laws for one of the largest countries in the world.

It was a good idea to have it understood that a man when elected a representative must be an inhabitant of that state in which he shall be chosen. Who knows the wants of New Jersey as well as a man who lives in New

Jersey? No one. And that is the reason the Constitution says a representative must be a citizen of the state in which he is chosen.

In England, a member of the House of Commons may be chosen from any part of Great Britain. That is, a man living in Edinburgh, Scotland, may be chosen to represent Cambridge, England. Or a man of Oxford, England, may represent Dublin, Ireland. It is not reasonable to suppose that a man of Oxford can represent Dublin as well as a man right from Dublin.

Sometimes it is said that by choosing a man from any part of the country, better and more able men will be chosen. This is not a good argument, for the reason that there never was, nor is it likely there ever will be, a state having people enough in it to make a state, that will not have more than enough men able in every way to represent it. Our forefathers had the good sense to see this truth.

Some of the citizens of our country are what are called *naturalized* citizens. You know what an adopted child is. Well, a man who is a naturalized citizen is an adopted citizen, only it is the country that adopts him. Before he is adopted he has to promise that he will become a citizen of our country, fight for our laws in time of war, and do all other acts that a person born a citizen is required to do. When he has signed papers promising all this, he is made a citizen, entitled to all the rights and privileges

of those who are born citizens, except he cannot ever be elected either President or Vice-President of the country; and must have two years' residence after naturalization to be a Representative, and four years to be a Senator; providing first, however, that before applying to be naturalized he has lived in the country not less than five years. The law also provides that a declaration of intention to become a citizen must be made at least two years before naturalization; except in the case of those who have been honorably discharged from one year's service in the army or navy of the United States. These need no declaration of intention and need not prove more than one year's residence.

In most countries they will not allow naturalized citizens to hold office so as to take part in the affairs of the government. Americans, however, are too liberal-minded to say that no one but American-born citizens shall hold office. Any thinking man (and they are the ones to be elected to an office) cannot live in a country for seven years and not know about its laws and its form of government.

Another clause of the Constitution reads as follows: —

"When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies."

This means that if a member of the House dies, or for any other reason his seat becomes vacant, the governor of

the state which he represents, calls an election for the purpose of filling his place. This, our forefathers thought the best thing to do, because the executive of a state, as the governor is called, will feel interested in having the state fully represented, and, therefore, will be very prompt to call an election. The Constitution also provides that each state shall have at least one representative, and cannot have more than one for every thirty thousand people. As our country increases in population, the ratio of representation changes. It is now one for every 151,912.

The Constitution provides that, —

"The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment."

The speaker is the one who presides over the House. You will understand what this means when we tell you he is like the president of a literary society. This makes the House independent. When the House of Commons elects a speaker, he cannot act until he has been approved of by the king. In this, you see, the House of Commons is not independent, but is really dependent upon the king's will.

Many people do not understand what is meant by impeaching an officer. It is simply to charge him with crime or with misbehavior in office. It is very much the same as an indictment by a grand jury. One man thinks

another man guilty of violating the law. He appears before the grand jury. The grand jury hear his charge; and if they think the man is guilty, they indict him, as it is called. Then the man has a right to a fair trial before another jury, called the *petit* jury. So, when an officer is impeached by the House, he has a trial before another body, as we shall learn as we advance.

In England, the House of Commons has the power of impeachment, and the House of Lords tries the one impeached. Notwithstanding this you will learn wherein our laws are better than those of England.

CHAPTER VIII.

THE SENATE.

THE Constitution says, —

"The Senate of the United States shall be composed of two senators from each state, chosen by the legislatures thereof for six years, and each senator shall have one vote."

The legislators of a state are the men who are chosen by the people to make the *state* laws, for each state has its own home government, besides sharing in the benefits of the central or United States government, of which we are talking: just as each class in a school has its own rules which its members obey, besides obeying the rules made by the board of education and the principal of the school.

For many reasons our forefathers were very desirous that the best men in our land should be elected to our Senate. There is no reason why they should not be. In the first place, the people do, or should, choose good men for their state legislature; and these men, who come from

all parts of the state, have the choosing of the United States senator.

There are two senators from every state, whether large or small; thus Rhode Island has as many votes in the Senate as California, which is more than one hundred times as large as Rhode Island. This was thought no more than right, because the large states have so much more voice in the House of Representatives than the small states.

Another excellent plan was adopted, as you will see. The senators are elected for six years. Now, if at the end of six years all the senators were new men, who had never had any experience in law-making, what sad work they would make of it! No one would know how to begin. Thanks to the wisdom of those who made our Constitution, this cannot be, for the following reason.

When the *first* senators were elected, they met in the capital of our country, and were divided into three classes. When the Constitution went into effect, there were but nine states that had adopted it. There were then eighteen senators. These were divided into the three classes, — six in the first, six in the second, and six in the third. According to the Constitution, the term of the first class was to expire in two years, the term of the second class was to expire in four years, and the term of the third class was to expire in six years. Remember this was only to be done that one time. So you see that now every two

years one-third of the senators are newly elected, while two-thirds are old members and know all about the duties of senators. Everything, therefore, moves off in perfect order from the very first day they meet until the close of the session. Had not our forefathers been so thoughtful, the whole Senate might be made up of new men every six years; and with a number of inexperienced men together, there is no knowing what might be the result.

If a senator dies or resigns his office, and the legislature of his state is not in session, the governor of the state appoints some man to act as senator for that state, until the legislature meets and elects some one.

The Constitution says,—

"No person shall be a senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen."

You notice the senators have to be older than the representatives. There are many good reasons why they should be. As we advance, you will learn that the responsibility of a senator is greater than that of a representative, and for this reason he should be a man of more mature years. The senator must also live in the state that chooses him, as he will know the wants of his own state better than one living in another state.

The House of Lords is sometimes said to resemble our Senate. You will know how little resemblance there is when you have read what is to follow.

The English House of Lords is composed of what are called the peers, or noblemen, of England, sixteen representative peers of Scotland, and twenty-eight representative peers of Ireland; also the bishops and archbishops of the Church of England. The noblemen receive different titles, as duke, marquis, earl, viscount, and baron.

A man to be elected to our Senate must show some talent, and not many, if any, ignorant men, or men lacking good, sound judgment, ever become members.

How different in the House of Lords, where there is no choice! A person *born* a nobleman, no matter how little good common sense he may display, cannot be deprived of his seat. Hence you see what kind of people may make up the House of Lords.

If the king desires, he has the power to make a commoner[1] a peer, and as late as 1832 he exercised this power. There was a law the king wanted passed. The House of Lords did not think it a good law, and did not pass it. The king began to make peers of the commoners, intending to make peers enough to get a majority in favor of his law, that it might be passed.

The House of Lords, seeing that many were being

[1] The members of the House of Commons are commoners, as, in fact, are all persons under the degree of nobility.

added to their house, finally agreed to pass the law, if the king would not make any more peers. And yet they call England a limited monarchy. Like the man who was being whipped by his wife, when some one said to him, "My dear fellow, why do you stand still and let your wife whip you so?" "Oh," said he, "it pleases wife, and does not hurt me; so I let her whip." Thus, no doubt, thought the king, "It pleases the lords, and does not hurt me; therefore, I let them call ours a limited monarchy." There is no doubt, however, that England is inclined to become more and more like a democracy, and the time may come when it will be.

According to the Constitution, —

> "The Vice-President of the United States shall be president of the Senate, but shall have no vote unless they be equally divided."

If the Senate were to choose one of its own number for speaker, or president, the state which this one represented, would be deprived of one of its senators. Again, the president has more or less power, and often influences the course of legislation; therefore, that state would have more than its share of power. The framers of the Constitution, ever thoughtful, said: "We will make the Vice-President of the United States the president of the Senate; for he belongs not to any one state, but to the people at large, because he has been chosen by them

for this high office." It is right, too, that he should have a vote, as there is always an even number of senators, and a time may come when there will be a tie on some question before the Senate. Days, perhaps weeks, could thus be wasted, because neither side would be willing to yield; but the Vice-President, having a vote, can stop any such thing, by voting with one side, and thus make a majority.

The Constitution states that, —

> "The Senate shall choose their other officers, and also a president *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States."

Nothing seems to have been forgotten. What a wise law this is! Just before Congress closes its session the Vice-President retires, and then the Senate elects a president *pro tempore;* so that, should the President of the United States die before the next session, the Vice-President becomes President of the United States and the Senate can begin work at once, as there is a president to preside.

The Constitution provides that, —

> "The Senate shall have sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the

United States is tried, the Chief Justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present."

There are many wise provisions in this clause of the Constitution, as we shall see. It is much easier to call a man guilty of a crime, than it is to prove him guilty. So our forefathers placed the impeachment power in the House, but gave to the older and more select body the power to try all impeachments.

There are people in our country who think that it is wrong to say, "I solemnly swear," etc., because the Bible says, "Swear not at all." Others think that the Bible means by this not to take the name of God in vain. The framers of the Constitution, being liberal-minded men, and not wishing in any way to interfere with the religious belief of any one, said that the words, "I *solemnly swear*," or "I *solemnly affirm*," may be used.

During the meetings of the committee that framed the Constitution, Benjamin Franklin proposed one day, that prayer should be resorted to. Among other things he said: "I have lived a long time, and the longer I live, the more convincing proofs I see of this truth, THAT GOD GOVERNS IN THE AFFAIRS OF MEN. And if a sparrow cannot fall without His notice, is it probable that an empire can rise without His aid?" Surely we have every reason to think that Franklin was right. Nothing seems to have

been overlooked. How wise to have the Chief Justice preside over the Senate when the President of the United States is on trial! Because, you remember, if the President is found guilty, the Vice-President becomes the President. Think of the temptation, then, for the Vice-President, were he presiding, sometimes to decide points against the President, hoping he may be found guilty. Our forefathers removed all chances of temptation by requiring the Chief Justice to preside when the President of the United States is on trial.

According to the Constitution, —

> "Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, and punishment, according to law."

This is another grand provision of the Constitution. Its meaning is, that, though a man who is impeached may be tried and found guilty by the Senate, the Senate can punish him only by removing him from office. Then if his offence is anything for which he can be punished by law, he can have another trial by jury. You learn from this, that there is only one way by which a man can be deprived of liberty or put to death, and that is after

he has had a fair trial and has been found guilty of an offence.

How different this is in England! There the House of Lords may inflict banishment from the country, take a man's property from him, put him in prison, or sentence him to death.

There are many cases in history of men who have worked hard for the party which they represented, and have thus made enemies, who, to get them out of the way, have had them impeached, found guilty, and sentenced to death. All this because they stood in the way of the wicked schemes of their opponents in office.

My young American friends, be proud of the fact that your forefathers WERE THE FIRST IN THE WORLD TO DO AWAY WITH SUCH A BAD, BAD LAW.

In this country, an officer is tried on an impeachment. If found guilty, he is removed from office. He is then arrested, if his crime is one for which it is thought he should be arrested, given a fair trial by a court of justice, and if found guilty, he is punished. He has, however, a trial by jury, the same as any other man, and hence his political enemies have no power over him.

The Constitution states that, —

"The time, place, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but Congress

may at any time, by law, make or alter such regulation, except as to the place of choosing senators."

This is for the following reason: Should the legislature of a state become disloyal or negligent, and fail to call an election, Congress can do so, in order to protect itself. Then, if they do not attend to it, Congress can set a time, and if they still neglect it, they lose their representative in Congress for that term.

Congress meets at least once a year, so there can be no chance for the country to suffer from want of legislation. The meetings begin on the first Monday in December.

The Constitution says, —

"Each house shall be the judge of the election returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each house may provide."

This is a thoughtful provision, for it might happen that two men from the same state might each claim to have been regularly elected a senator or representative. In all such cases, you will notice, the house to which the man claims to have been elected, hears both sides, and then

determines who is entitled to the seat. If some other department had the power to determine who was entitled to the seat, there might be a time when said department would be strongly partisan, and hence it would be tempted to decide in favor of the one belonging to its own party.

It is also well that the Constitution requires a majority to make the laws, for if it did not, a small number of either house might meet and make bad laws to carry out some scheme of their own.

Our forefathers thought that there might come a time during some high political excitement, when a majority of either house might stay away, thinking by so doing to stop legislation. To prevent this they give the minority power to oblige the majority to be present.

In England, the House of Commons can do business with a comparatively small portion of the members present. A quorum of the House of Lords, including the Chancellor, is three!

By the Constitution, —

"Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

The framers of the Constitution showed their wisdom in making each house an independent body. The rules

that govern the house are called Parliamentary Law. These rules or laws every member is obliged to respect.

One important rule is, that no bill, *i.e.* a proposed law, shall be passed without being read before the house three times, and, furthermore, the three readings shall not take place on the same day.

It often happens that a bill is read which sounds as if it would be an excellent law; but some wise-head, who thinks it over during the night, surprises his fellow-members in the morning by showing them wherein it would not be good at all, but, in fact, would be very bad. For example, the captain of a boat once made a law (without a third reading) which read as follows, —

"The seats in this cabin are reserved for ladies. Gentlemen are requested not to occupy them until the ladies are seated."

At the *first reading* this sounds like a very good law; but read it again thoughtfully, and you see it gives the gentlemen the liberty to sit in the ladies' laps!

How wise, too, is the clause which requires a two-thirds vote to expel a member. Rarely ever has one party a two-thirds majority, hence no member can be expelled on mere party grounds. Could a majority expel a member, there might be a temptation, during some high political excitement, to expel a member, (or members,) simply because he was of the opposite party. Our wise old forefathers, however, left no such temptation possible.

Again, —

"Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal."

This is no more than right, as the congressmen are the agents of the people, and the people have a right to know what their agents are doing.

The yeas and nays clause is a thoughtful one; for a man voting on a bill will be very careful if he is voting by yea or nay, as at any time in the future his constituents can tell just how he voted.

The yeas and nays are taken by having the clerk call the roll, and those members who are in favor of the bill, when their names are called, say "yea." Those who are opposed to the bill, when their names are called, say "nay." The answers are written opposite each member's name.

Everything in this free country is done openly. Any person may go into either house and stay as long as he may desire, excepting on rare occasions, when, as in time of war, it is thought best by either house to require secrecy, when they hold what are called executive sessions or committees of the whole.

In England, no person can go into the House of Parliament without an order, or pass, from some member, and even then all persons not members must retire when a vote is about to be taken.

The Constitution provides that, —

> "The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place."

This is one of the most important clauses in the Constitution. If payment were left with the different states it might not always be prompt or sure, and so, many times, the senators or representatives might feel they need not attend and work for uncertain pay. In fact, there were just such cases during the Confederation, and our forefathers, seeing the evils of them, made the new Constitution on a wiser plan.

Again, if the pay of the congressmen were left with the states, the national or *head* government would be dependent upon the local or state governments. This would be very unjust.

The members of the houses in England do not receive any pay. The result is, that the members who are not wealthy have to depend on their wealthy friends, and therefore must at all times act to please them.

A man who is making the laws of a nation should be independent to act as his conscience tells him, and not as some one else may dictate to him.

The last part of this clause in our Constitution is as important as the first; for how often might a state be deprived of a representative, if he could be arrested for any petty offence. There might be a time when a law ought to be passed which a few men did not, for selfish reasons, desire passed. To carry out their selfish ends they might have a member arrested on some trifling charge, just to keep him from the house, that he might not vote for the law. Of course, if a member is guilty of a high crime, he is not fit to be a congressman, and it is right that he be arrested.

Our forefathers knew that a man should not fear to say just what he thinks, at all times, about a law or bill which may come before the house of which he is a member, and in order that he may not fear to do so, they added this provision to the Constitution: "That no person shall be questioned in any other place for what he may say while making a speech at debate in either house." Freedom of speech, as they very well knew, is absolutely necessary to good government.

In England, a member cannot be held for what he says in either house, but if he has the speech printed he can be prosecuted.

In our country, a member is free to print all of his speeches if he so desire.

Notice how careful the framers of the Constitution were to remove temptation from those who were to be our congressmen.

By a thoughtful provision of the Constitution, —

> "No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office."

This clause of the Constitution makes it impossible for a member of Congress to cause a paying office to be created for his own good. The country needs the time of the representatives to do work for the good of the people, and not for themselves.

The law makers should not have anything else on their minds when making the laws for a nation, thought our forefathers, and hence they added the last part of this clause, forbidding congressmen to hold office.

In England, a man while a member of either house can hold an office under the government.

The Constitution requires that, —

"All bills for raising revenue shall originate in the House of Representatives, but the Senate may oppose or concur with amendments as on other bills."

This clause means that all bills for raising money, that is, that tell how the money shall be raised for carrying on the government, shall be first passed in the House. Why our forefathers thought this a wise thing is not clear. Probably they thought that because it is the larger house the bills would come more directly from the people. The last part of the clause is wise, as it prevents the house from having too much power.

In England, all money bills must originate in the House of Commons, but the House of Lords cannot change them in any way. This gives the House of Commons great power if they choose to use it. There are what are called "riders" sometimes added to a bill. A "rider" is a part of a bill that has really no relation to the main bill, yet the bill, to be passed, must be passed "rider" and all.

Sometimes the House of Commons adds a "rider" to a money bill. It may be something which the House of Lords dislike very much, still they cannot change the bill in any way. They must pass it or reject it. To reject it

may stop the payments of pensions or salaries, and thus throw the country into confusion. Rather than do this the Lords pass the bill, "rider" and all.

We should be proud to know that one of our houses can never so impose on the other.

Study the following clause very carefully, as it tells how the laws are made by Congress: —

"Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like

manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law."

You see by this clause how hard it is to make a bad law. In the first place, the bill is passed by one of the houses. It is then sent to the other house. If the second house passes it, then it goes to the President of the United States. After he has looked it over carefully, he either signs it, and it becomes a law, or he vetoes it, that is, refuses to sign it, and sends it back to the house that first passed it. Now, before it can become a law, *two-thirds* of this house have to favor it. Next, it is sent to the second house again, where a two-thirds vote is also necessary. If the two houses pass it a second time, it becomes a law without the President's name. You also notice that the second time the houses vote on the bill they do so by a yea or nay vote, which, as we have said before, causes the members to vote very thoughtfully.

In England, if the king veto a bill it cannot become a law. You see where the power lies, even though they call it a limited monarchy. It is many years since the king has vetoed a law in England; yet there is nothing to prevent him from doing so, should he choose to do it.

In order to prevent wrong legislation, the following clause was added to the Constitution: —

"Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

If an *order* or *resolution* could be passed by Congress, without the signature of the President, a *bill or matter of great importance*, might, by calling it a *resolution* or *order*, become a law without the President's assent.

CHAPTER IX.

WHAT CONGRESS HAS POWER TO DO.

The Constitution provides that,—

"Congress shall have power (1) to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

You remember that during the Confederation Congress had not this power, and the result was we had no government.

"(2) To borrow money on the credit of the United States."

During the war of 1812 and also during the Civil War this proved to be a wise provision, for had Congress been without this power there would have been no money to carry on the war, and we might not to-day have been living in a republic.

"(3) To regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

This means to make the rules that must be followed by other nations who enter our ports. You remember reading in your history that, during the Confederation, foreign nations placed such restrictions as they pleased on our commerce, but Congress had no power to do the same with them, and hence we were at the mercy of those foreign nations.

"(4) To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States."

If Congress had not this power each state might have a different law which would oftentimes cause trouble.

"(5) To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

If money was not of the same value all over the country there would be constant confusion. If the weights and measures were not uniform, one state might call ten ounces a pound, and another state might call twenty ounces a pound, which, of course, would be a very foolish and confusing condition of things.

"(6) To provide for the punishment of counterfeiting the securities and current coin of the United States."

A man guilty of counterfeiting the securities and moneys of the United States commits an offence, not against any one state, but against the government; hence it is right that the government shall have the power to provide for his punishment.

"(7) To establish post-offices and post-roads."

A post-road is one over which the mail is carried; all railroads are post-roads.

"(8) To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

This means to grant copyrights and patents. The power is given to Congress in order that the copyright or patent may be as good and binding in one state as another. By a copyright an author is given the sole right to print and sell his work in the United States for a period of twenty-eight years, at the end of which time he can have it continued fourteen years longer. An inventor's patent secures to him the sole right to make, use, or sell his invention in the United States for a period

of seventeen years, and, if renewed, for the additional period of seven years.

"(9) To constitute tribunals inferior to the supreme court.

"(10) To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

"(11) To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

If a citizen of the United States should be guilty of piracy or felony, foreign countries would hold the general government responsible for it, and not any one state: therefore the government should have the power to punish such offences.

To grant letters of marque and reprisal is to grant commissions to citizens to seize the property of an enemy at war. If individuals were to do this of themselves they could, if captured, be treated as pirates. But if they have these letters of marque and reprisal they must, if captured by the enemy, be treated as prisoners of war.

"(12) To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

"(13) To provide and maintain a navy.

"(14) To make rules for the government and regulation of the land and naval forces.

"(15) To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

"(16) To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

Dr. Joseph Alden says, when writing of the above powers of Congress: "Under the Confederation, Congress had no power to raise armies. It had power simply to agree upon the number of land forces, and to make requisitions from each state for its quota. It was the duty of each state to furnish its quota. Experience proved that the system was miserably inadequate."

If Congress had not power to organize, arm, and discipline the militia, it would be necessary to keep a standing army, which would be a great expense to the government.

"(17) To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the govern-

ment of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; — and

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

All this has reference to the District of Columbia in which Washington, the capital of the United States, is situated. In order that Congress may be independent, it is necessary that it should possess supreme authority over the place of its sessions.

At one time the Congress of the Confederation, during its meetings in Philadelphia, was surrounded by a mob of mutineers from the Continental army, who were angry because they had not received any pay for several months.

The governor of the state was so tardy about taking any steps to defend Congress that it adjourned to Princeton, N. J. Had Congress had the power then over its place of meeting that it now has, the mutineers would have been quelled at once.

CHAPTER X.

WHAT CONGRESS AND THE STATES CANNOT DO.

In this country we have what is called *the writ of habeas corpus*.[1] It is to prevent unjust imprisonment. If a man is arrested and placed in prison, a writ of *habeas corpus* may be sued out before a legal judge. The judge, by the "writ of *habeas corpus*," orders that the arrested man be brought before him. The man who caused the arrest must then show good reason for it, or the person accused is discharged.

Notice the following important clause of the Constitution, —

> "The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

This is a law of which every American should be proud. In some countries men have been kept in prison

[1] These are two Latin words which mean, "you may have the body."

year after year until they have sickened and died with broken hearts, when there was no just cause why they should have been imprisoned at all.

Again, —

"No bill of attainder or *ex post-facto* law shall be passed."

A bill of attainder is an act of the legislature inflicting the punishment of death, *without trial*, upon persons supposed to be guilty of high crimes. What a fearful law this is! Many men have been made to suffer by it. No such bloody deeds can be done in the United States, and OURS IS THE FIRST GOVERNMENT PROHIBITING ACTS OF ATTAINDER. My young Americans, are you not proud of our noble old forefathers?

An *ex post-facto*[1] law is one which renders an act punishable after it was done, which was not punishable at the time it was committed.

When a law has been made, it should be published at once, that the people may know what it is. Not, however, as the Roman Emperor, Caligula, is said to have published his laws; (1) by having them written in very small characters and (2) by having them hung upon high pillars, so that he could ensnare the people, which by the way, he often did. In fact, so vile was he, that one historian has said that "his ferocious acts seem like the

[1] Meaning "after the deed is done."

wild freaks of a madman." If the laws of this old tyrant were unjust, how much more so are those laws, that make an act punishable after the deed is done, that was not unlawful at the time it was committed.

For example, let us suppose that on August first, John Smith, while hunting, shoots a deer. After the shooting, a law is enacted making it unlawful to shoot deer on August first, when Mr. Smith is arrested and put into prison for having shot the deer. How wrong such an imprisonment would be, and how unjust the law, that would make Mr. Smith's act a punishable one! and yet there are countries that have had these *ex post-facto* laws. Our Constitution prohibits such injustice.

The following are wise provisions of the Constitution with reference to the several states, —

"(1) No tax or duty shall be laid on articles exported from any state.

"(2) No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another."

You remember how England passed a law during the colonial times, prohibiting the colonies importing anything whatever from any country in Europe, unless it was shipped from an English port and in an English ship.

Our forefathers, remembering this unjust law of England, determined that no such law should ever exist between the states. The different states are treated with equal justice.

"(3) No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

This clause is for the purpose of protecting the public funds. Those who have charge of the moneys will be more careful if they know they must publish just how much money they have received, and how much paid out, and for what purposes.

"(4) No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

In republics all men have equal rights. There should, then, be no titles of nobility. If foreign nations could confer titles of nobility on our officers, they might be offered sometimes as bribes.

You have learned that Congress is forbidden to pass certain laws; that prohibition would be of little use if the states were not also prohibited from passing them. You will notice that the following clauses of the Constitution make such prohibitions: —

"(5) No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post-facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

"(6) No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

"(7) No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

Although the states are given the power to lay imposts, etc., it is impossible for them to abuse this power, as all such laws are subject to the revision and control of the Congress.

CHAPTER XI.

THE EXECUTIVE DEPARTMENT.

Do you know that when your father votes, he does not vote directly for the President of the United States, but for men called electors, and these vote for the President? This method was planned by our forefathers, because they thought it would be a surer way of choosing one of the best citizens.

They thought that if the people of each state were to choose a number of the best citizens as electors, that these electors could meet and choose a President and Vice-President better than the people at large, and so the Constitution provides that, —

"The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows.

"Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal

to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector."

It is the duty of the President to execute the laws. The history of past nations shows that it is much better to have the executive power in the hands of a single person. Even some of our own states, during the Revolutionary War, gave the executive power into the hands of more than one person. By reading the history of Pennsylvania you will learn of the evils resulting from that plan.

The President is elected for four years, but he can be re-elected as often as the people choose. Washington, however, recommended that he never be elected for more than two terms. "The weakness and wickedness of man require that great power should not be in the same hands for any great length of time."

The last provision of this clause is also a wise one; for a man holding an office would be tempted to vote for one who would keep him in office. As it is, the electors have no interest of their own in choosing the President.

These are the rules laid down in the Constitution for the election, —

"(1) The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; the president of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House

of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

"(2) The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

"(3) But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States."

This clause is not carried out as it was intended to be. For, you know, the people now nominate their candidates and vote for the electors, and these are expected to vote for their candidate. If, however, by any action of his own, a candidate proves himself unfit for this high office, the electors are under no obligation to vote for him.

You notice that, if the electors fail to elect a President the House of Representatives proceeds to elect one, be-

cause, the House of Representatives being the larger body of Congress, the choice comes more directly from the people. The privilege of electing the Vice-President, when the electors have failed to do so, is given to the Senate, because when elected he becomes their presiding officer.

You may have heard sometime that the candidate receiving the popular vote was not after all elected President. Let us see how this is possible. We will suppose there are six states, say the New England, which will answer our purpose as well as the whole thirty-eight.

Maine	is entitled to	6 electors.
Vermont	is entitled to	4 electors.
New Hampshire	is entitled to	4 electors.
Massachusetts	is entitled to	14 electors.
Connecticut	is entitled to	6 electors.
Rhode Island	is entitled to	4 electors.

Now we will suppose that one party has for a candidate John Doe, and that another party has for a candidate Richard Roe. The following table will show the result: —

Name of states.	Votes cast for Roe electors.	Votes cast for Doe electors.	Roe's majority.	Doe's majority.	No. of electors.	No. electors for Roe.	No. electors for Doe.
Maine	20,000	15,000	5000		6	6	
Vermont . . .	10,000	11,000		1000	4		4
New Hampshire	12,000	11,000	1000		4	4	
Massachusetts .	30,000	32,000		2000	14		14
Connecticut . .	20,000	15,000	5000		6	6	
Rhode Island .	10,000	11,000		1000	4		4
Total . . .	102,000	95,000	11,000	4000	38	16	22

You see that, notwithstanding 7000 more votes were cast by the Roe party than by the Doe party, Doe is elected President because he has the greatest number of electors. It makes no difference whether a man carries a state by one thousand or only *one* majority; he has the vote of the electors from that state.[1]

[1] People have sometimes felt that the framers of the Constitution were unjust in making it possible for a man to be elected President of the United States without having received the popular vote. Let us study the plan carefully, and we shall find that our forefathers were as thoughtful in this matter as we have found they were in every other. There were, at the time of Mr. Cleveland's election, three hundred and twenty-five (325) members in the House of Representatives, and seventy-six (76) members in the Senate, making

According to the Constitution, —

"The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States."

And it also states that, —

"No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that

in all four hundred and one (401) representatives of the people to make their laws for the country. Of these New York, for example, had thirty-four in the House and two in the Senate, or $\frac{36}{401}$ of the whole number. If New York had had one-half of all the members, she, of course, would have had one-half to say when a new law was being made. Since she *did* have $\frac{36}{401}$ of the members she had $\frac{36}{401}$ to say.

Now, let us suppose that a new law has been passed. There is to be elected an executive to execute this law. How much shall New York have to say about this election? There are to be elected four hundred and one (401) electors, and of these New York is entitled to thirty-six (36), or $\frac{36}{401}$ of the whole number. New York, then, has just as much to say as to who shall execute that law as she had in making the law. What can be more just? We must not lose sight of the fact that the President is President of the UNITED STATES, therefore, the States, *as States*, should have the choosing of him for his high office.

office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."

According to law, the electors are chosen on the Tuesday next after the first Monday in the last November of each presidential term; that is, President Cleveland, who is now President, will have served his term of office by March 4, 1889. The electors, then, that are to choose his successor will be chosen on Tuesday, Nov. 6, 1888; as this will be the first Tuesday next after the first Monday in the last November of Mr. Cleveland's term.

According to law, the electors meet to give their votes on the first Wednesday in the last December of each presidential term. Hence the electors that give their votes for Mr. Cleveland's successor will meet on Wednesday, Dec. 5, 1888.

The electors meet in their respective states, usually in the state capitol.

Only American citizens of the United States can be elected President or Vice-President of the United States. The exception named in the Constitution was a compliment to those patriotic men who had labored for the country during the War of the Revolution. All of these men are now dead, and no one but a native-born citizen can be elected.

The Constitution requires that, —

"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected."

For many years it was understood that if the President and Vice-President were both removed, by death or other cause, from the office of President, the president of the Senate *pro tempore* should act as President.

Four Presidents have died in office, viz.: Harrison, Taylor, Lincoln, and Garfield, and the following Vice-Presidents became Presidents, viz.: Tyler, Fillmore, Johnson, and Arthur. There was always more or less anxiety felt when a Vice-President became President, as all knew it was possible for the Vice-President to die before his term of office expired.

Many people felt that it would hardly be just for the president of the Senate *pro tempore* to act as President, because he might be of one party and the President might have been of another party. The people by their votes might have said they desired a change of party. By this act it was possible that there would be no change, therefore a new law has been made.

When a man is elected President of the United States, he appoints seven men of his party to aid him in executing the laws. These men are called the President's Cabinet, and are known as the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior.

The President's Cabinet, consisting of able and well-known men, and being also of the same party as the President and Vice-President, it was thought no more than right that should the President and Vice-President both be removed from office by death or any other cause, the members of the Cabinet should be their successors. And, hence, according to law the first in order is the Secretary of State; the succession then passes from one member of the Cabinet to another in the following order: (1) Secretary of the Treasury; (2) Secretary of War; (3) Attorney-General; (4) Postmaster-General; (5) Secretary of the Navy; (6) Secretary of the Interior.

The Constitution next provides that,—

"(1) The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

"(2) Before he enter on the execution of his office, he shall take the following oath or affirmation: —

"'I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.'"

This is a wise provision, as it renders the President independent of Congress. "If his salary could be increased, he might be tempted to conform to the wishes of the house to gain an increase of income. If his salary could be diminished, the house might use that power to make him subservient."

All of the Presidents up to the time of General Grant's second term received a salary of $25,000 a year. Since that time they have received $50,000 a year.

"(3) The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment."

The army and navy should be under the control of the President, because it is his duty to see that the laws are executed. If at any time force is required, he has the military power to assist him.

By the heads of departments are meant the members of the President's Cabinet. It was thought they would be more careful if obliged to give their opinions in writing.

It is possible for a man to be found guilty of a crime when he is innocent. If there was *not* any *pardoning* power there would be *no* way of righting an injustice.

If the President could pardon a man found guilty on impeachment, he might be tempted to favor his political friends, no matter what their political offence might be.

"(4) He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint, ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

The power to make treaties is placed in the hands of the President because at all times he is familiar with foreign affairs. Then, oftentimes, it is well to maintain secrecy while making a treaty. This could not be done in large bodies. The President must act with care, as his treaties are not binding upon the United States till two-thirds of the Senate agree to them.

By ambassadors are meant ministers of the highest rank. They are sent by the government to represent it, and manage its interests at the court of some other government.

Consuls are agents for the government. They are sent to foreign countries to look after, and protect the rights, commerce, merchants, and government seamen, and attend to such other duties as may be given them.

These are important positions, and good men should be chosen to fill them. For this reason our forefathers thought best to place the appointing of them in the hands of the President of the United States and the Senate.

"(5) The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

It was necessary to give this power to the President, in order that all of the departments of the government might at all times be in working order.

"(6) The President shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."

The information is given to Congress in the form of a written message and is called, "The President's Message."

At the time of the firing upon Fort Sumpter the President of the United States convened Congress, which met and took action at once to stop the rebellion. Had the President not been given the power to convene Congress, there is no knowing what might have happened to our country.

Our forefathers thought it wise that some one person be responsible for the reception of ambassadors and other public ministers, and hence they designated the President as such person.

(7) "The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

By this clause officers are plainly told upon what ground they may be impeached. This was in order that no officer should be impeached by an *ex post-facto* law. We will see in another chapter what is meant by treason and bribery.

In England, the king is the executive. "He appoints his ministers, who perform all executive acts in his name, and are responsible to the nation. It is a maxim of the English Constitution that 'the king can do no wrong'; but if his ministers do wrong" (even though they act to please the king) "they cannot plead the king's commands in justification,"[1] but are held responsible to the country themselves.

You may have heard people say that it is bad for our country to have a change in administrators so often, meaning every four years. Just notice carefully what is to follow, and you will learn how much better off our country is, in this respect, than England. "The ministers are termed the administrators in England. The character of the administration depends upon the character of the majority of the House of Commons. If a majority of the

[1] Alden's Science of Government.

House are Whigs,[1] the administration will be a Whig administration; that is, the king will send for a leading Whig statesman, and tell him to form an administration. He selects such men for his associates as he thinks best, and they are appointed by the king. The person who forms the administration is called the Prime Minister, and selects his office, commonly that of the first Lord of the Treasury.

"The cabinet, or cabinet-council, consists of such of the prominent ministers as are more immediately in the confidence of the king, who are summoned to consult upon executive matters.

"If, while a Whig ministry is in power, the political character of the House of Commons should change, and a majority become Tories, one of two things would take place. The ministers would resign and a Tory administration be formed, or Parliament *would be dissolved* and a new election held. If, in the new Parliament, the majority were Whigs, the ministers would remain in office; if not, they would resign. Thus, while the ministers are said to hold office at the will of the king, they really hold office at the will of the majority in the House of Commons. Changes in the administration are consequently more frequent in England than in the United States." [2]

[1] The Whigs are those who advocate popular rights. The Tories are those who support the king in his high claims.

[2] Alden.

CHAPTER XII.

THE JUDICIAL DEPARTMENT.

We are now to learn of the most important department, the judicial.

The Congress makes the laws, the judiciary department interprets and applies those laws. The rights of the people then depend more upon the ability and honesty of the judges than upon any other department of the government. There can be no prosperity in a government where justice is not to be had. The judiciary department has the administering of justice in its hands. Our forefathers knew this, and for that reason they were careful to make the judicial an able and independent department, and hence provided that, —

"(1) The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their

services a compensation, which shall not be diminished during their continuance in office."

You learn from this clause how the judges are made independent of all political parties. Their office depends on their own good behavior. As long as they are honest and upright there is no earthly power that can remove them. If they are not honest and upright, they can be impeached by the House, and, after trial by the Senate, can be removed from office. Another wise provision is that which says their compensation, *i.e.* their salary, cannot be diminished during their continuance in office, so there is no temptation for Congress to try to starve them to do as they might desire them. You remember that in the colonial times the judges held their offices at the will of the king. This is yet true in many monarchial governments. It is a sad condition of things, and we should all be thankful that our forefathers showed such wisdom when forming this portion of our Constitution.

The Supreme Court of the United States is composed of one chief-justice, and eight associate justices. The chief-justice receives a salary of $10,500 a year, and the associate justices receive each $10,000 a year

The other officers of the national courts are the attorney-general, the district-attorneys, the marshals, and the clerks, each of whom has his own particular duties to perform.

"(2) The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects."

You notice by this clause that the United States courts have jurisdiction in nine subjects.

Suppose a state should coin some money, and put it into circulation. A buys goods of B and offers him some of the coin in payment for the goods. B refuses to take it. A refuses to give any other money. B brings suit to recover his debt, and the state courts decide against B. He would then appeal to the United States court. This court would decide that the state law making the coin lawful money was unconstitutional, and therefore null and void. This would be a case arising under the Constitution.

Again, suppose a man from our country goes to England, and on his return endeavors to smuggle some goods.

The goods are seized and kept by the government. This would be a case arising under the laws of the United States.

"Again, suppose a treaty existed between Great Britain and the United States, in which the latter engaged to prohibit the exportation of arms to Ireland. A citizen of New York is detected shipping arms to Ireland. He is arrested and tried by the United States court, and punished."[1] This would be a case arising under a treaty made.

Again, if an ambassador or any other public minister or consul should be sent to this country from some foreign country, he would not be subject to our laws, but to the laws of his own country. There are laws of nations, however, to which all countries are alike subject. If any judicial question affecting an ambassador, consul, or minister should arise, it would be brought before the United States court. This would be a case arising under those affecting ambassadors, etc.

Again, if the United States was at war with another country, and a vessel of the United States captured a vessel at sea which was thought to belong to the enemy, but claimed that it did not, the United States court would decide the question. This would be a case arising under the admiralty.

[1] Alden.

Again, a railroad buys some land of the United States and fails to pay for it. The United States can bring a suit against the railroad corporation, and compel the payment. This is necessary in order that the government may protect its rights.

Two states may be having a controversy about their boundary lines. In order that a settlement may be had, one state sues the other in the United States court, where the question is finally settled.

From these explanations you will have an idea of the authority or commission of the United States court.

"(3) In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

By original jurisdiction is meant that in which a suit originates or commences. By appellate jurisdiction is meant that to which the decision of an inferior court is taken on appeal. You will notice there are only a few cases in which actions can be commenced in the Supreme Court, *i.e.* those that have at first to do with the general government. The principal business of this

court is to review cases tnat have been tried in lower courts. When the Supreme Court decides a case, then it can go no farther. Both parties must be content.

"(4) The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed."

No man can be convicted unless all of the jurors agree that he is guilty.

It is right that a man be tried in the state where the crime is committed. Otherwise, a poor man in New Jersey might be sued by a rich man, and the suit might be taken to California. The accused might not be able to secure the attendance of his witnesses, and thus be unable to defend himself.

OUR FOREFATHERS WERE NO RESPECTERS OF PERSONS. "ALL MEN ARE CREATED EQUAL" WAS THEIR DOCTRINE. AND THEY SO FRAMED THE CONSTITUTION THAT EVERY WORD IN IT IS NOT FOR ANY PARTICULAR CLASS, BUT FOR ALL ALIKE.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

When reading the history of England and other foreign countries, we are made to shudder at the acts of some of the old rulers. Many times people have been accused of treason for a great variety of acts. When a man did anything to displease a ruler, it was a common thing to charge him with treason, and then convict him, and next, to punish him according to law. This punishment was often fearful. (1) The offender was dragged to the gallows. (2) He was hanged by the neck, but was cut down while alive. (3) His entrails were taken out and burned while he was living. (4) His head was cut off. (5) His body was divided into four parts. (6) These four parts were then given to the king to do as he saw fit with them.

Our forefathers knew of all these things, and hence they thought best to have it understood just what treason against the United States is; therefore the Constitution says, —

"(1) Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

"(2) The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted."

Sometimes men were tortured until they confessed they were guilty of treason. Then they were convicted and dealt with as described. In our country a confession in open court can be taken as testimony against a man, and there must be at least two witnesses to prove him guilty of treason before he can be convicted.

Congress has made a law that a person guilty of treason shall be put to death by hanging.

By corruption of blood a person is disabled from inheriting lands from an ancestor; nor can he either retain those in his possession, or transmit them by descent to his heirs. That is, B is convicted of and punished for treason. A, who is B's father, is worth a large property. After B is punished by being hung, A dies. Then C and D, who are the children of B, cannot inherit their grandfather's

property because their father was hanged for treason. Think of living in a country where anything so unjust is lawful! Our forefathers prevented any such innocent suffering in our country by adding this wise provision to the Constitution: "No attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted."

In order that each state could have full faith in each of the other states our forefathers provided that,—

"(1) Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof."

This means that each state must have full faith in each of the other states; then if a case has been tried in one state and an attempt is made to bring the same matter into the court of another state, the person who was sued may procure the record of the former trial, and that will put an end to the proceedings.

"(2) The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

"(3) A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime."

If it were not for this clause a person might commit some crime in one state, and then flee to another state, where he would be free. The dishonest men of our country now flee to Canada. It being a foreign country, they cannot there be arrested by us.

"(4) New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

"(5) The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state."

The first clause is just, as Congress should determine what states are to make up the government over which it is to have charge.

Had not Congress any power over the territories they might be in the hands of lawless men in a very short time. In each territory there is a governor appointed by the President of the United States and the Senate; a legislature, which is chosen by the people; and one or more judges, appointed by the President of the United States and Senate.

Each territory has the right to choose a man as a delegate, who has a seat in the House of Representatives, and can take part in debates relating to the territory, but is not entitled to a vote.

That each state may feel that it is protected against foreign and domestic foes, —

"(6) The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence."

All of the states are here bound to help, protect, and defend each and every state in time of need.

"(7) The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided that no state, without its consent, shall be deprived of its equal suffrage in the Senate."

This was a wise clause. Had there been no provisions for amendments, the Constitution would have been faulty; because it has been necessary to add fifteen of them, as you will see in a future chapter.

"(8) All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation."

Here our noble old forefathers showed their honesty of purpose. They might have ignored any debts of the Confederation by assuming that it was a government of the past, and therefore had nothing in common with the

present government. They were, however, too noble to take any such action.

"(9) This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding."

After reading this clause there can be no doubt that the Constitution is the supreme law of the land.

"(10) The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."

There had been too much suffering, both in England and in this country, on account of religious persecution, for our forefathers to forget this clause when framing the Constitution.

CHAPTER XIV.

THE AMENDMENTS.

You remember learning in your history of the persecutions to which the people of the colonies were subjected. It is not surprising then that when the first Congress met the people insisted on some amendments being made to the Constitution; because it was generally felt that the Constitution did not sufficiently protect the rights of the people. They wished to be secured certain rights beyond the possibility of being encroached upon by Congress. The following ten articles of amendments were made during the first session of the first Congress under the Constitution: —

"Article I.

"Congress shall make no law respecting an establishment of religion; or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

"ARTICLE II.

"A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

"ARTICLE III.

"No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

"ARTICLE IV.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

"ARTICLE V.

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal

case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

"ARTICLE VI.

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

"ARTICLE VII.

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

"ARTICLE VIII.

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

"ARTICLE IX.

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

"ARTICLE X.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

There is no country in the world that furnishes greater security for personal liberty than is furnished by these provisions in our Constitution.

The things that are forbidden in them have often taken place in other countries. Our forefathers, knowing that human nature is the same in all ages, were determined they should never lawfully take place in our country.

During the Civil War, you remember, President Lincoln abolished slavery. It was necessary, however, for Congress to amend the Constitution, so as to sanction the act. Therefore, in December, 1865, the following amendment was adopted, —

"(1) Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have

been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"(2) Congress shall have power to enforce this article by appropriate legislation."

In 1868 another amendment was adopted which reads as follows,—

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny any person within its jurisdiction the equal protection of the laws."

Still another amendment was added for the purpose of declaring how the representatives should be apportioned among the states, and also to protect the freedmen. It reads as follows,—

"Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any

election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state."

It was thought best to punish in some way those men who had once been in Congress, and at the opening of the Civil War, took part against the government. The following amendment was adopted for that purpose, —

"No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies

thereof. But Congress may, by a vote of two-thirds of each house, remove such disability."

Notice the last sentence in this clause. It shows you how willing one American is to overlook the faults of another if he shows he is sorry for what he has done. "Forgive, if ye wish to be forgiven."

In order that there should never be any question as to the payment of any loss to those who fought against the government, and also no questions as to the rights of every citizen, white or black, to vote, Congress adopted the following, —

"The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

"ARTICLE XV.

"(1) The right of citizens of the United States to

vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

"(2) The Congress shall have power to enforce this article by appropriate legislation."

These are all the amendments that have as yet been added to the Constitution.

CHAPTER XV.

POLITICAL PARTIES. — UNITED STATES CAPITALS.

"When the Constitution was presented to the states for adoption it met with decided opposition from a large part of the people "who were opposed to conferring so much power upon the general government"; and, "in the differences in opinion between its friends and opponents originated the two great political parties into which the people were divided during a period of about thirty years." The friends of the Constitution, "regarding its adoption indispensable to the Union, took the name of Federalists, and bestowed upon the other party that of Anti-Federalists, intimating that to oppose the adoption of the Constitution, was to oppose any union of the states." The Federal party embraced a large number of the ablest statesmen of that period, including Washington, Hamilton, Adams, Jay, and Marshall; while in the opposite ranks were those known as Anti-Federalists, or Republicans, under the leadership of Jefferson, George Clinton, Burr, and others. "In the contests of the French Revolution, the Federalists leaned to the side of England, the Republicans to that

of France." The opposition of the Federalists to the war of 1812, the favor they extended to the Hartford Convention, and other causes, contributed to their destruction, and in 1820 the party was disbanded.

The two elections of Jefferson and the two of Madison were triumphs of the Republicans. The two of Monroe may also be regarded as triumphs of the same party, though party lines were almost obliterated, the first years of Monroe's administration being known as "the era of good feeling." The nomination of John Quincy Adams was supported by a union of Republicans with most of the old Federalists. The presidential contest of 1828, "the most bitter in American history," was largely of a personal character. The candidates were Adams and Jackson, the latter succeeding. "The Jackson party being, for the most part, the old Republican party, took the name of Democrats, while their opponents assumed the name of Whigs." The former, during Jackson's first term, took ground against the re-chartering of the United States Bank, and afterward against a high, or "protective tariff." The Whigs favored these measures. "The election of Van Buren was a continuation of Jackson's policy;" that of Harrison was a triumph of the Whigs.

In the presidential contest of 1844, the Democratic party favored "the annexation of Texas," as also "the claim to Oregon as far north as 54 degrees 40 minutes. Their rallying cry was 54-40, or fight." They elected

James K. Polk over Henry Clay, the candidate of the Whigs. In the contest of 1848, a third party, composed mostly of northern men, who were "opposed to the extension of slavery into the territory of the United States," and known as the Free Soil Party, nominated Martin Van Buren. General Taylor, the Whig candidate, was elected. In the contest of 1852, the candidate of the Democrats was Franklin Pierce; that of the Whigs was General Winfield Scott; Mr. Pierce was elected. — *Anderson's U. S. History.*

Before the next election the Whig party ceased to exist, and two new parties came into being, the Republican and the American; making altogether three parties. The American party wanted none but native-born citizens to hold political offices, and its members also favored a longer residence in the United States on the part of persons of foreign birth, before allowing them to be naturalized. Buchanan, who was elected, was the candidate of the Democratic party.

At the next election there were five candidates. The slavery question was the all-important one. The Democratic party was still the strongest one, but its members became divided on the slavery question. The northern Democrats nominated Stephen A. Douglas, of Illinois; and the southern Democrats nominated John C. Breckinridge, of Kentucky. The northern Democrats believed in letting all new states say whether they were to be admitted

as slave states or not; while the southern portion of the party claimed that neither Congress nor the people of a territory, who desired to be admitted as a state, had the right to prohibit slavery in any territory.

The American party nominated John Bell, of Tennessee; their platform was "The Union, the Constitution, and the Enforcement of the Laws."

The Republican party was opposed to slavery and desired to exclude it from the territories at any cost. Mr. Lincoln, who was elected, was the candidate of the Republicans.

During Lincoln's administration the Civil War occurred. When Lincoln was assassinated, Andrew Johnson became President. At the close of Johnson's term the contest mainly turned upon the right of Congress to establish laws for the admission of the Southern States to the Union. The Democrats nominated Horatio Seymour, ex-governor of New York, and the Republicans nominated General U. S. Grant, who was elected.

At the next election there was a new party formed, known as the Liberal Republican Party, which nominated Horace Greeley, of New York. These were men who were opposed to Grant's administration. The Democrats had no candidate, but indorsed Mr. Greeley. General Grant was re-elected. The next three Presidents, R. B. Hayes, James A. Garfield, and Chester A. Arthur, were Republicans.

In 1884 the people were to elect the twenty-second President. The Republicans nominated James G. Blaine, of Maine. The Democrats nominated Grover Cleveland, who was at the time governor of New York. The People's Party, as it was called, nominated General Benjamin F. Butler, of Massachusetts, and the Prohibition Party nominated John P. St. John, of Kansas. Mr. Cleveland, the Democratic candidate, was elected.

Perhaps the following facts will be of interest to you: —

"Philadelphia was the first capital of the United States, Congress being in session in that city when the Independence of the states was declared. A little more than five months after that event, while the British forces were advancing through New Jersey towards the Delaware River, Congress adjourned to Baltimore (December, 1776), but returned to Philadelphia less than three months later (March, 1777). On the approach, by Chesapeake Bay, of the British army under Howe, Congress adjourned at first to Lancaster, Pa. (Sept. 27th to 30th, 1777), and then to York, Pa. (Sept. 30th); but after the British evacuated Philadelphia, Congress returned to that city (July, 1778), which city continued to be the capital till June, 1783, when Congress adjourned to Princeton, N. J. (June 30), and, in November of the same year, to Annapolis, Md. The next session was opened at Trenton, N. J.

(Nov. 30, 1784), but in January, 1785, Congress adjourned to New York. In 1790, the seat of government was removed to Philadelphia, and in 1800, to Washington City, where it has remained ever since."

CHAPTER XVI.

CONCLUSION.

We said we hoped to make you understand why our form of government is the best in the world. Have we not done so? We have no Ivan who can murder his subjects and go unpunished. We have no King John who can imprison us at his will or murder innocent little boys. We have no Queen Elizabeth to dictate how we shall worship the ever-living and true God. None such are found in this glorious republic in which the supreme power is vested in the people. We have a government so organized that its rulers cannot, for any length of time, materially err. We have a Constitution which is acknowledged by all to be a masterpiece. With the most of this Constitution you are now familiar. In the last pages of any good United States History are to be found all of the clauses of the Constitution in regular order. These, it is hoped, you will carefully read, as you can now do so understandingly.

And now, my young friends, we desire to impress upon you this solemn truth. The good or evil of this model

COUNTRY IS IN YOUR HANDS. Only a few years must pass before all who are now occupying the positions of trust and honor will be no more, and you are to fill their places. The boys of to-day are to be the men of twenty years hence. Are you going to be ready? Will you see to it that only honest, upright men are placed in office? If so, you will hold the Union where you find it, the best government in the world.

Be always true to God, your country, your neighbor, and yourself. You will thus "be prepared for death, and life or death will thereby be the sweeter."

Can you not now appreciate our national hymn as you never have before?

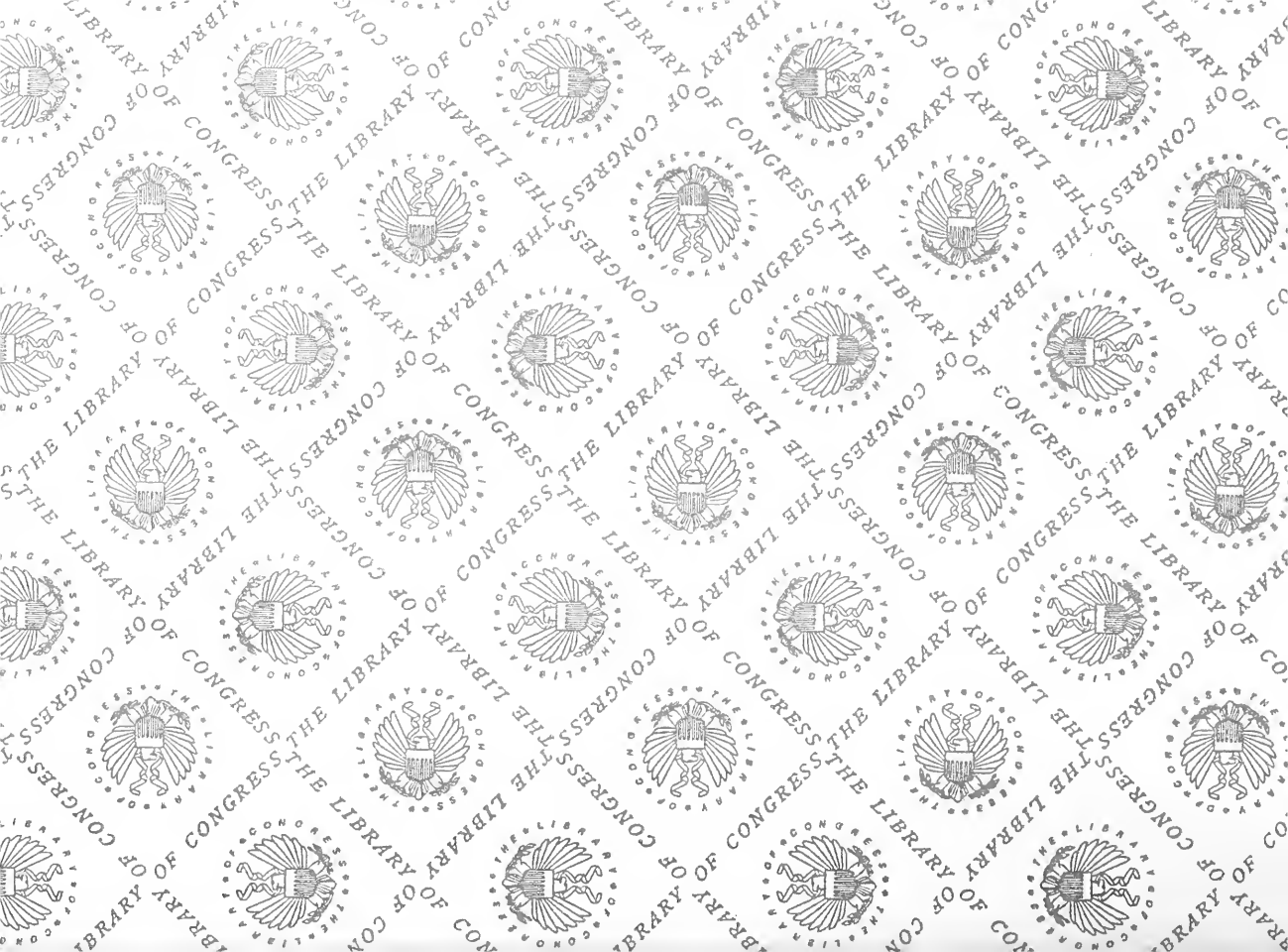
1. My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing:
Land where my fathers died,
Land of the pilgrims' pride,
From every mountain side,
Let freedom ring!

2. My native country, thee —
Land of the noble free —
Thy name I love:
I love thy rocks and rills,
Thy woods and templed hills;
My heart with rapture thrills
Like that above.

3. Let music swell the breeze,
And ring from all the trees
Sweet freedom's song!
Let mortal tongues awake;
Let all that breathe partake;
Let rocks their silence break, —
The sound prolong!

4. Our fathers' God, to thee,
Author of liberty,
To thee we sing:
Long may our land be bright
With freedom's holy light;
Protect us by thy might,
Great God, our King!

S. F. SMITH.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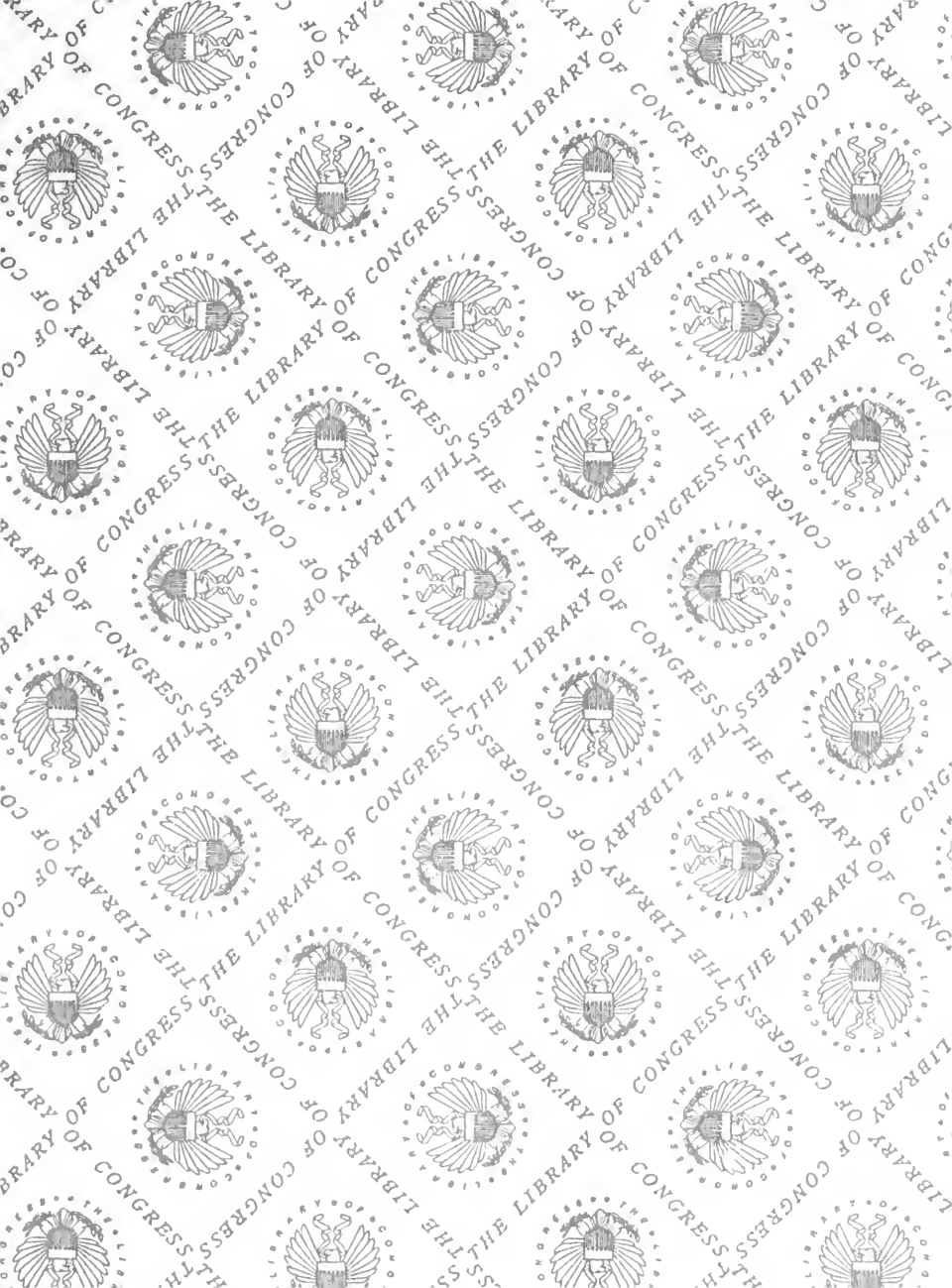
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